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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,013	09/18/2006	Sang Chul Lee	14289.11	3148
21999 7590 10/14/2008 KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,013

Applicant(s)

LEE, SANG CHUL

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4 is/are allowed.
6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
7) ☒ Claim(s) 4 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date 9/18/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract content includes a word "comprises" which is often used as a legal phraseology for the claim language. This word should be avoided in abstract description. Appropriate correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee 6,065,519.

Re claim 1, Lee discloses a case body 11 in the form of a gun having an open top and a receptor to receive an adhesive tape 21 therein; a cover 12 provided above the case body 11; a connecting means to connect a lower end of the cover 12 and a upper end of the case body 11; a locking means to prevent the cover from being released from the case body; a drawing means 31, 32, including a trigger 32 protruded through an opening 14 of the case body, and a pair of drums 31 & 32, rotated by pulling the trigger with a finger and in contact with a bottom surface of the adhesive rope 21 to draw out the adhesive tape 21 per Figs. 2 and 4; a cutting means 41-44, 46-47, including an operating button 41 mounted on a surface of the cover, a lever 42, 43,

operated by moving the operating button and connected to an elastic member 44, and a cutter 47 provided at a front end of the lever and having a blade 47 to cut the adhesive tape 21 which has been drawn out by the drawing means; and a guide means 13, 36-37, provided above the drums to be in contact with a top surface of the adhesive tape and to guide withdrawal of the adhesive tape in the case body per FIGS. 1-6(B).

Re claim 5, Lee discloses that the guide means 13, 36, comprises a pair of guide rollers 13, 38, provided below the lever 42, 43, with a predetermined interval therebetween and a belt 37 mounted on the guide rollers 36 in consideration of a position in contact with a top surface of the adhesive tape 21 per FIGS. 2-4.

Re claim 6, Lee discloses that a discharge roller 36 is provided in front of the guide rollers 13, 38, and a guide panel as idle roller 38 is further provided above a lower part of the belt 37.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Mistyurik 5,910,227.

Re claim 2, Lee teaches the invention as claimed as discussed above. However, Lee fails to teach that the connecting means comprises provided along an internal periphery of the open top of the case body and also comprises inlet grooves and

holding grooves provided at corresponding positions to fit to the protrusions along a lower periphery of the cover. Mistyurik teaches that the connecting means 38', 103, 66a,' comprises provided along an internal periphery of the open top of the case body 39 and also comprises inlet grooves 66b, at 103' and holding grooves 39' provided at corresponding positions to fit to the protrusions along a lower periphery of the cover 38 per FIGS. 1-3.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Lee's case body and cover assembly with protrusions and mating grooves arrangement, as taught by Mistyurik, in order to allow for secured detachable cover assembly to ease for replacement of the roll material.

Re claim 3, the modified device of Lee teaches that the locking means (Mistyurik, 124-128) comprises a button (Mistyurik, 125) movable in a guide hole (Mistyurik, 127) formed on the cover (Mistyurik, 38) and a locking piece (Mistyurik, 124) integrally formed with the button (Mistyurik, 125), and a gap in which the locking piece (Mistyurik, 124), can move is formed between an internal end of the cover (Mistyurik, 38) and a guider (Mistyurik, 89, 90), which is integrally formed with the cover 38 on its lower internal surface (Mistyurik, per FIG. 2).

Allowable Subject Matter

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (6176409) teaches adhesive tape dispensing device, and Chen (5454500), Horng (5472560) and Tsai (6651857) teach cover assembly attachment techniques.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724

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October 7, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724